

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JAMES EDWARD SCOTT, III,

Plaintiff,

v.

HERZOG, et al.,

Defendants.

Case No. 3:22-cv-00564-ART-CLB

ORDER

Plaintiff James Scott moves the Court to provide him with 15 USM-285 forms and copies of his operative complaint so he can “provide proper service” on each defendant. (ECF No. 24). He also seeks an order requiring the prison’s law library to extend his copywork limit. (*Id.* at 2). And in a separate motion, Plaintiff seeks leave to substitute Sidney Pertney for defendant Nurse Jane Doe. (ECF No. 25). For the reasons discussed below, Plaintiff’s motion for forms, copies, and a copywork extension is denied, and his motion to substitute is granted.

I. DISCUSSION

A. Motion for forms, copies, and copywork extension (ECF No. 24)

Plaintiff’s first motion seeks 15 USM-285 forms, copies of his second amended complaint, and to extend his copywork limit so he can serve the defendants under Federal Rule of Civil Procedure 4. The Court entered an order on February 28, 2024, setting forth the process for perfecting service under Rule 4. (ECF No. 23). Specifically, the Court ordered that the Clerk of the Court will electronically serve the order and a copy of Plaintiff’s second amended complaint on the Office of the Attorney General of the State of Nevada. (*Id.* at 2). The Court ordered that the Attorney General’s Office will file notice by March 21, 2024, advising the Court and Plaintiff the names of the defendants for whom it accepts service, and for those defendants for whom it does not accept service, their last known addresses. (*Id.*) And [i]f service cannot be accepted for any of the named

1 defendant(s),” the Court ordered that “Plaintiff will file a motion identifying the unserved
 2 defendant(s), requesting issuance of a summons, and specifying a full name and address
 3 for the defendant(s).” (*Id.*)

4 Plaintiff’s requests for USM-285 forms and copies of his second amended
 5 complaint are not consistent with the Court’s February 28, 2024, order. Moreover, the
 6 Attorney General’s Office has not filed its notice about acceptance of service required by
 7 that order. Nor has the deadline for it to do so expired. Courts in this district have found
 8 that they can order a prison to provide limited photocopying when it is necessary for an
 9 inmate to provide copies to the court and other parties. *See, e.g., Allen v. Clark Cnty. Det.*
 10 *Ctr.*, Case No. 2:10-cv-00857-RLH, 2011 WL 886343, *2 (D. Nev. Mar. 11, 2011). But as
 11 explained above, Plaintiff has no pressing need to send copies of any document to the
 12 Court or parties. Plaintiff’s motion for forms, copies, and to extend his copywork limit is
 13 therefore denied.

14 **B. Motion to substitute defendant (ECF No. 25)**

15 Plaintiff moves to substitute Cidney Pertney for defendant Nurse Jane Doe,
 16 arguing he learned from prison correctional staff that is her true name. (ECF No. 25).
 17 Plaintiff does not provide a proposed third amended complaint identifying Nurse Jane
 18 Doe by name. In screening Plaintiff second amended complaint, the Court found he stated
 19 sufficient facts about Nurse Jane Doe’s alleged misconduct and thus allowed the First
 20 Amendment retaliation claim, Eighth Amendment medical-indifference claim about
 21 sanitizing catheter sites and injuries sustained in non-ADA shower, and Eighth
 22 Amendment claim about indifference to unsanitary prison conditions to proceed against
 23 Nurse Jane Doe when Plaintiff learned her true name and obtained leave to substitute
 24 her as a defendant in this action. (ECF No. 19 at 22–23). Considering the foregoing, the
 25 Court finds that a third amended complaint merely to identify Nurse Jane Doe’s true name
 26 is unnecessary. Plaintiff’s motion to substitute is therefore granted.

1 **II. CONCLUSION**

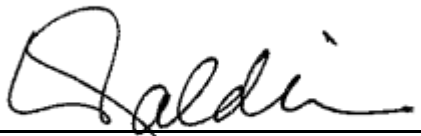
2 It is therefore ordered that Plaintiff's motion for USM-285 forms, copies of the
3 second amended complaint, and to extend his copywork limit (ECF No. 24) is denied.

4 It is further ordered that Plaintiff's motion to substitute Cidney Pertney for
5 defendant Nurse Jane Doe (ECF No. 25) is granted.

6 It is further ordered that the Clerk of the Court will add Cidney Pertney as a
7 defendant on the Court's docket.

8 It is further ordered that Plaintiff's second amended complaint (ECF No. 17)
9 remains his operative complaint.

10 Dated this 6th day of March 2024.

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13 U.S. Magistrate Judge
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